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***Counsel for Plaintiffs***

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

This Document Relates to:

*Grier v. Uber Technologies, Inc., et al; 3:23-cv-05960-CRB*

*Rivera v. Uber Technologies, Inc., et al; 3:25-cv-03285-CRB*

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

**PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS  
CASES FOR FAILURE TO COMPLY  
WITH PTO 10**

Date: December 12, 2025

Time: 10:00 a.m.

Courtroom: 6 – 17<sup>th</sup> Floor

**1. INTRODUCTION**

On October 20, 2025, Defendants filed a Motion to Dismiss the claims of the above-captioned Plaintiffs on the grounds that Plaintiffs have failed to comply with Pretrial Order (“PTO”) No. 10. See *Docket No. 3731*. PTO 10 establishes procedures and deadlines related

1 to the production of Plaintiff Fact Sheets. *See Docket No. 348.*

## 2 II. ARGUMENT

### 3 A. Plaintiffs notified Uber of its plan to withdraw from Grier prior to Defendants' 4 motion to dismiss filing.

5 On October 17, 2025, Plaintiffs sent Uber notice of its intent to withdraw from Grier's  
6 representation for her case. It was not until October 20, 2025 that Uber filed their motion to  
7 dismiss Plaintiff's case. *See Docket No. 4181.* Plaintiff's motion to withdraw should be granted  
8 as outlined below and in the accompanying Declaration of Rachel B. Abrams ("Decl."),  
9 attached hereto as Exhibit A.

- 10 1. Plaintiff Keisha Grier has not responded to any efforts to reach her made by myself or  
11 my staff since January 2, 2025. Additionally, Plaintiff Keisha Grier has been unable to  
12 provide Peiffer Wolf with adequate information to fulfill her discovery obligations.
- 13 2. Plaintiff Keisha Grier's failure to communicate with and provide sufficient information  
14 to our firm has presented a circumstance covered by Rule 1.16(b)(4) of the California  
15 Rules of Professional Conduct. We are unable to meet discovery deadlines and  
16 otherwise prosecute her case without her input. Withdrawal from the case has become  
17 necessary.
- 18 3. Under the California Rules of Professional Conduct 1.16(d), my firm has taken all  
19 reasonably available steps to avoid prejudice to the rights of Plaintiff Keisha Grier  
20 ("Plaintiff").
- 21 4. Plaintiff has failed to properly communicate with our office.
  - 22 a. On September 16, 2023, Plaintiff retained Peiffer Wolf as legal counsel.
  - 23 b. Between September 16, 2023 and September 16, 2025, Plaintiff received  
24 numerous emails, text messages, telephone calls, and voice messages  
25 requesting that she contact our office. These communications included seven  
26 (7) unsuccessful phone calls with voice messages, eight (8) unsuccessful phone  
27 calls with no ability to leave voice messages, eleven (11) unanswered text  
28

1 messages, and seven (7) unanswered e-mails.

- 2 c. Plaintiff contacted or responded to contact attempts by our office three (3) times  
3 during that time period.
- 4 d. After communicating with Plaintiff, her case was filed in the MDL on  
5 November 17, 2023, and our office informed her of her discovery obligations  
6 and the Plaintiff Fact Sheet requirements.
- 7 e. Peiffer Wolf submitted Plaintiff Fact Sheet with the information provided by  
8 Plaintiff.
- 9 f. On July 3, 2025, Uber's counsel informed our firm of an inconsistency between  
10 Uber's records and Plaintiff's discovery submissions.
- 11 g. Between July 3, 2025 and to this day, Plaintiff received numerous emails, text  
12 messages, telephone calls, voice messages, and letters requesting that she  
13 contact our office or provide requested information. These communications  
14 included five (5) unsuccessful phone calls with no ability to leave voice  
15 messages, four (4) phone calls with ability to leave voice messages, five (5) text  
16 messages, five (5) e-mails, and one (1) letter. In these communications, we  
17 repeatedly explained the need for her continued participation in the case, the  
18 risk that her case may be dismissed, and that we would need to withdraw as  
19 counsel if she did not contact our office.
- 20 h. During that process, our firm also conducted investigations to try and locate  
21 alternative phone numbers and email addresses for Plaintiff.
- 22 i. Between July 3, 2025 and to this day, Plaintiff never responded to any contact  
23 attempts.
- 24 j. On September 16, 2025, we sent Plaintiff a letter by U.S. certified mail  
25 explaining that if she did not contact our firm by September 25, 2025, we would  
26 move to withdraw as counsel.

27 5. Plaintiff has failed to provide our firm with appropriate information to fulfill her  
28

discovery obligations.

6. On October 17, 2025, we sent Uber advance notice of our intent to withdraw from Plaintiff's representation. Notice was issued prior to Uber filing a motion to dismiss.
7. To date, Plaintiff has not agreed to voluntarily dismiss her claims and has not informed our firm that alternative counsel has been retained.
8. Our withdrawal from this case will not impact the timing or schedule of this litigation, and we have taken all reasonable steps possible to avoid prejudice to Plaintiff by informing her of her options and the consequences of failing to comply with case deadlines.
9. We understand that pursuant to Local Rule 11-5(b), leave to withdraw may be conditioned on our firm continuing to accept papers to forward to the client. We are able to accept this responsibility.
10. Peiffer Wolf should be permitted to withdraw as counsel for Plaintiff. An attorney may withdraw from a case by obtaining an order from the court after reasonable advance written notice has been provided to the client and to all other parties. Civ. L.R. 11-5(a); *see also* Cal. Rules Prof. Conduct 1.16(d)(1).

In summary, Peiffer Wolf has given appropriate advance notice of its intent to withdraw to Plaintiff beginning on September 16, 2025 and culminating with final notice on September 25, 2025. Decl. ¶¶ 5(k). Peiffer Wolf has also given Uber advance notice of withdrawal. Notice was given prior to Uber's motion to dismiss. Decl. ¶ 7. Peiffer Wolf has taken all possible steps to avoid prejudice to Plaintiff by explaining to her the possible consequences of failing to contact Peiffer Wolf or meet discovery deadlines. Decl. ¶¶ 5-6. Peiffer Wolf submitted the information Peiffer Wolf had for Plaintiff. Decl. ¶ 5. Despite those efforts, Plaintiff failed to meaningfully communicate with Peiffer Wolf ¶ 5. Peiffer Wolf has thus taken all reasonable steps to avoid foreseeable prejudice to Plaintiff. Decl. ¶ 9.

Under California Rule of Professional Conduct 1.16(b)(4), a lawyer may withdraw from a case if "the client ... renders it unreasonably difficult for the lawyer to carry out the

1 representation effectively.” Here, Plaintiff rendered it unreasonably difficult for Peiffer Wolf  
2 to continue effective representation of Plaintiff by failing to communicate with Peiffer Wolf  
3 and failing to provide necessary information to continue with her case, despite requests from  
4 Peiffer Wolf. Decl. ¶ 5. Therefore, Plaintiff and Peiffer Wolf has been unable to meet discovery  
5 deadlines in this case.

6 Because this motion is not accompanied by a substitution of counsel or an agreement by  
7 Plaintiff to proceed *pro se*, Peiffer Wolf agrees to the condition imposed by Local Rule 11-  
8 5(b) to serve Plaintiff with all papers in this matter, unless or until Plaintiff appears *pro se*,  
9 other counsel appears on Plaintiff’s behalf, or upon further order of the Court. Decl. ¶ 10.  
10 Therefore, this case should never have been included in Defendants’ Motion and should not be  
11 dismissed.

12  
13 **B. Counsel is undertaking extensive efforts to bring Plaintiff Rivera into full**  
14 **compliance with PTO 10.**

15 Counsel has diligently attempted to produce all of the required discovery documents for  
16 Plaintiff Rivera. Unfortunately, as the Court is aware, a Plaintiff may become unavailable for  
17 various reasons as litigation progresses. Specifically, Rivera is imprisoned and communication  
18 with Plaintiff has been incredibly difficult. Counsel has utilized extensive efforts to reach  
19 Rivera, predating the filing of Defendant’s motion to dismiss. Counsel will continue these  
20 efforts and will provide the missing documents for Rivera immediately upon receipt. Decl. ¶  
21 11. Plaintiffs’ Counsel respectfully request that this Court deny Defendants’ Motion and allow  
22 additional time for Rivera to mail the requested documents to Counsel. This relief is  
23 particularly warranted in light of Rivera’s incarceration.

24  
25 **III. CONCLUSION**

26 For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants’  
27 Motion to Dismiss.  
28

Dated: November 3, 2025

Respectfully Submitted by:

/s/ Rachel Abrams

Rachel B. Abrams (Bar #209316)  
Adam B. Wolf (Cal Bar No. 215914)  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on, November 3, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF System, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: November 3, 2025

Respectfully Submitted by:

/s/ Rachel Abrams

Rachel B. Abrams (Bar #209316)  
Adam B. Wolf (Cal Bar No. 215914)

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